

Regulations for Lead-Safe Maintenance of Rental Housing

5:10-1.10 Bureau inspections

(a) - (j) (No change.)

(k) Upon reasonable request of the Bureau, the owner of any multiple dwelling in which any violation of N.J.A.C. 5:10-6.6 is found or suspected shall provide to the Bureau, at the sole cost and expense of such owner, a risk assessment prepared by a certified lead evaluation firm pursuant to N.J.A.C. 5:17 which identifies lead-based paint hazards and specifies corrective action to eliminate or control such hazards. The Bureau may also request, and the owner shall provide, a certification that the multiple dwelling is free of lead-based paint hazards issued pursuant to N.J.A.C. 5:17.

5:10-1.11 Certificate of registration

(a)-(b) (No change.)

(c) Each certificate of registration shall state:

1. - 11. (No change.)

12. The year, or approximate year, of construction;

i. If the building is a multiple dwelling constructed after 1977, a copy of the certificate of occupancy or other proof of the date of construction that is acceptable to the Bureau shall be provided. Submission of proof of the date of construction for a building previously registered by the owner shall be deemed to be an amendment of the certificate of registration, for which no fee shall be charged;

13.- 18. (No change.)

19. The name, address and telephone number of an individual representative of the owner or managing agent who may be contacted at any time and who has authority to make emergency decisions concerning the building and any repair thereto or expenditure in connection therewith;

20. The name and address of the fuel oil supplier, if any, and the grade of fuel oil used; and

21. In the case of a multiple dwelling constructed before 1978, a list of units that have been certified to be free of lead-based paint or to have a lead-free interior, to be a seasonal rental unit rented for less than six months' duration during each year, or to be occupied by the owner of the unit shall be appended. In the case of a unit certified to be free of lead-based paint or to have a lead-free interior, a copy of a certification by a certified evaluation firm shall be attached. Submission of the information and documentation required pursuant to this paragraph for a building previously registered by the owner shall be deemed to be an amendment of the certificate of registration for which no fee shall be charged;

(d)-(k) (No change.)

5:10-1.12 Certificate of inspection

(a)-(g) (No change.)

(h) Inspection fees shall be as follows:

1.- 3. (No change.)

4. In addition to the fee determined pursuant to (h)2 or 3 above, there shall be an additional inspection fee for multiple dwellings in the amount of \$20.00 per unit; provided,

however, that this additional fee shall not be charged for units registered with the Bureau as being in any of the following categories:

- i. Constructed after 1977;
- ii. Certified by a certified inspector as being either free of lead-based paint or having a lead-free interior;
- iii. Seasonal rental units rented for less than six months' duration during each year; or
- iv. Occupied by the owner of the dwelling unit as his or her residence.

5. In the case of a condominium or horizontal property regime, the additional inspection fee assessed pursuant to paragraph 4. of this subsection shall be paid by the owner of the unit; provided, however, that the association or council of co-owners, as the case may be, shall be deemed to be the agent of the owner for purposes of receiving notices and orders issued by the Bureau, shall have the duty to deliver any such notice or order to the unit owner and shall promptly notify the Bureau of the name and address of any unit owner who is liable for the additional inspection fee. If the association or council of co-owners fails or refuses to provide the name and address of the owner of a unit, it shall be presumed to be the owner of the unit and shall be liable for the additional inspection fee.

5:10-2.2 Definitions

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise:

...

"Interim controls" means a set of measures designed to reduce temporarily human exposure or likely exposure to lead-based paint hazards, including specialized cleaning, repairs, maintenance, painting, temporary containment, ongoing monitoring of lead-based paint hazards or potential hazards, and the establishment and operation of management and resident education programs, or the term as it is defined under 42 U.S.C.s.4851b;

...

"Lead hazard control work" means work to make housing lead-safe, or to mitigate through the use of interim controls as permitted under federal law and as defined in 42 U.S.C.s.4851b, or to eliminate permanently lead-based hazards by abatement on a premises by a person certified to perform lead abatement work pursuant to sections 1 through 12 of P.L.1993, c.288 and section 14 through 24 of P.L.1993, c.288.

"Lead-based paint" means paint or other surface coating material that contains lead equal to or in excess of 1.0 milligrams per centimeter squared or in excess of 0.5% by weight, or such other level as may be established by federal law.

"Lead-based paint hazard" means any building or property condition that is not in compliance with the lead-safe maintenance requirements of this chapter, including but not limited to chipping or peeling paint or lead dust levels that exceed those established pursuant to N.J.A.C. 5:17, that causes exposure to lead from lead-contaminated dust or soil or lead-contaminated paint that is deteriorated or present in surfaces, that would result in adverse human health effects;

"Surface" means an area such as an interior or exterior wall, ceiling, floor, door, door frame, window sill, window frame, porch, stair, handrail and spindle, or other abradable surface, soil,

furniture, a carpet, a radiator or a water pipe.

...

5:10-4.1 Concurrent responsibilities

(a)-(b) (No change.)

(c) In any premises subject to either the Horizontal Property Act (N.J.S.A. 46:8A-1 et seq.) or the Condominium Act (N.J.S.A. 46:8B-1 et seq.), the council of co-owners or condominium association, as the case may be, shall have the duties of an owner as set forth in these regulations. However, any such council or association shall only be required to abate those violations which pertain either to the common areas or common elements or which it has the right, pursuant to contract or otherwise, to require the owner of the individual dwelling unit to abate. Owners of individual dwelling units shall be responsible for the abatement of violations and for the maintenance of records pertaining only to each such unit; provided, however, that the responsibilities of the dwelling unit owner and of the council or association may be concurrent.

1. It shall be the duty of the council of co-owners or association, as the case may be, to forward a notice for payment of the \$20 inspection fee set forth at N.J.A.C. 5:10-1.12(h)4 to the unit owner and to identify those tenant-occupied units known to the association prior to the five-year cyclical inspection.

5:10-6.6 Lead-safe maintenance requirements for multiple dwellings

(a) Each multiple dwelling, including all common areas, constructed before 1978, shall be subject to the requirements for lead-safe maintenance contained in this section. All such buildings shall undergo a combined inspection and risk assessment, and lead hazard control work in accordance with (b) below or shall comply with the requirements for standard treatments contained in (c) below. Following the performance of lead hazard control work or standard treatments, all buildings shall be subject to the requirements for on-going evaluation and maintenance contained in (d) below.

1. The requirements of this section shall not apply to:

- i. Buildings, dwelling units or common areas that have been certified to be free of lead-based paint in accordance with N.J.A.C. 5:17;
- ii. a seasonal rental unit which is rented for less than six months' duration each year;
- iii. a dwelling unit that has been certified as having a lead-free interior in accordance with N.J.A.C. 5:17; or
- iv. an owner-occupied dwelling unit.

(b) Inspection, Risk Assessment and Lead Hazard Control Work: A combined inspection and risk assessment shall be performed in accordance with the applicable provisions of N.J.A.C. 5:17. Data collected from a previous inspection or risk assessment may be used. If a property or portions of a property were inspected for lead-based paint prior to May 16, 2005, a risk assessment shall be performed for the property or portions inspected; however, a new inspection shall not be required. For purposes of this section, "risk assessment" shall exclude testing of soil. For purposes of this section, "floors," shall include both carpeted and uncarpeted surfaces.

1. Lead hazard control work to address lead-based paint hazards identified in the risk assessment shall be conducted in accordance with the applicable provisions of N.J.A.C. 5:17 for lead-based paint abatement and in accordance with the U.S. Department of Housing and Urban Development rules (24 CFR 35) for interim controls included here as Appendix 6-A.

2. Following the performance of an inspection and risk assessment and any necessary lead hazard control work, the owner shall obtain a certification that the property is free of lead-based paint hazards issued in accordance with N.J.A.C. 5:17-3.6.

(c) Standard treatments: If the owner chooses not to have an inspection and risk assessment performed, as described in (b) above, the following lead hazard control requirements shall be followed for each dwelling unit and for all common areas. For each such building, the owner shall undertake periodic standard treatments as described below.

1. Standard treatments for lead safety shall be undertaken at unit turnover, unless they were undertaken less than 12 months before. Standard treatments shall be undertaken not less than once every 12 months in dwelling units where the owner has been notified by a tenant that a pregnant woman or a child under the age of six years resides.

2. Standard treatments shall include the following:

i. Smooth and cleanable horizontal surfaces shall be provided. All horizontal surfaces, such as floors, stairs, interior window sills and window troughs, that are rough, pitted or porous, shall be covered with a smooth, cleanable covering or coating, such as metal coil stock, plastic, polyurethane or linoleum;

(1) If carpet is to remain, wipe samples shall be collected from the carpeted surfaces. For test results that indicate lead levels above the clearance levels specified in N.J.A.C. 5:17, the carpet shall be removed.

(A) If carpet is to be removed and replaced with new carpet, the padding beneath the contaminated carpet shall also be replaced and the floor below shall be tested and shall not exceed the clearance levels set forth in N.J.A.C. 5:17.

ii. Conditions of rubbing, binding, friction or crushing of painted surfaces shall be corrected;

iii. Specialized cleaning shall be performed in accordance with (1) through (3) below.

(1) The work area shall be vacuumed with a HEPA vacuum cleaner as follows:

(A) HEPA vacuuming shall be sequenced to avoid passing through rooms already cleaned. The entryway shall be vacuumed last; and

(B) In each room, vacuuming shall begin with the ceiling and shall proceed down the walls. Every surface shall be vacuumed including, but not limited to, ceiling, walls, windows, window sills, exterior sills, window wells, doors, heating and air conditioning equipment, fixtures, such as light fixtures, and built-in appliances. Floors shall be the final surface vacuumed.

(2) The work area(s) shall be wet washed with a detergent solution such as trisodium phosphate, formulated to bind lead. An original, marked container showing the nature of the formula and any necessary precautions shall be available at the work site. The name of the product used and its manufacturer shall be included in the records retained by the owner.

(A) In each room, the wet wash process shall begin with the ceiling and work down to the floor following the sequence in (c)2.iii(1)(A) and (B) above.

(B) String mops and mop buckets with wringers are required for wet washing floors. Sponge mops shall not be used.

(3) When dry, the abated area(s) shall be HEPA vacuumed again, following the sequence in (c)2.iii(2)(A) and (B) above.

iv. Lead screening or clearance testing in accordance with N.J.A.C. 5:17 shall be performed and the results of the screening or testing shall not exceed the levels established in N.J.A.C. 5:17.

(d) On-going evaluation and maintenance, as described below, shall be required for all buildings.

1. A visual examination for deteriorated paint shall be performed by the owner at unit turnover or every twelve months, whichever comes first.

2. Deteriorated paint and the causes of deterioration shall be promptly and safely repaired in accordance with the requirements of (i) below.

i. Painted surfaces shall be made intact by paint stabilization, enclosure, encapsulation or removal.

ii. The causes of paint deterioration shall be diagnosed and corrected.

iii. Dust wipe testing shall be performed when the work is complete to ensure that the lead dust levels do not exceed the lead hazard levels established by N.J.A.C. 5:17. If the level exceeds the lead hazard level established by N.J.A.C. 5:17, cleaning and retesting shall be performed until the results of testing demonstrate lead levels below the standard.

(e) Exterior Surfaces:

1. The requirements set forth in subsections (a) – (d) above shall apply to stairwells, porches, balconies, entryways, and windows.

2. For all other exterior surfaces, lead-safe work practices, in accordance with (i) below, shall be used for any work to be undertaken, unless the paint has been tested and not found to be lead-based paint.

(f) Recordkeeping:

1. A record of testing performed and any certificate issued by a certified evaluation firm indicating that the building or any portion thereof is lead free shall be maintained for the life of the structure.

2. A record of all testing, visual examinations, findings and corrective action taken, including the date(s) and location(s) of any sampling performed and of corrective actions taken, shall be maintained for not less than five years and shall be made available upon request for review by the Bureau. This shall include a record of:

i. Inspections, risk assessments and lead hazard control work performed pursuant to (b) above;

ii. Standard treatments undertaken pursuant to (c) above;

iii. On-going evaluation and maintenance undertaken pursuant to (d) above;

iv. Any certificates issued to the building owner by a certified lead evaluation firm;

v. Tenant notification required pursuant to (h) below; and

vi. Any reports of deteriorated paint received from tenants and documentation of the owner's responses pursuant to (h) below.

3. A record of the training in safe building maintenance practices of each individual as required by (g) below shall be maintained by the owner as long as that individual is involved in the maintenance of the building and shall be made available upon request for review by the Bureau.

(g) Training requirements are as follows: 1. All owners or employees of the owner performing visual examinations or undertaking corrective action or maintenance work shall complete a one-day training course on safe building maintenance practices and applicable New Jersey law offered by a training provider accredited by the Department of Health and Senior Services. Courses approved for this purpose shall include:

i. The Lead-Based Paint Maintenance Training Program, "Work Smart, Work Wet, and Work Clean to Work Lead Safe," prepared by the National Environmental Training Association for EPA and HUD;

ii. "The Remodeler's and Renovator's Lead-Based Paint Training Program," prepared by HUD and the National Association of the Remodeling Industry;

iii. Lead Safety for Remodeling, Repair and Painting: A Joint EPA-HUD Course; or

iv. Any other course that the Department finds to be substantially equivalent.

2. Owners or employees of the owner shall not perform dust wipe sampling unless they have completed a State-certified course in accordance with this section or a HUD-approved clearance technician course (e.g. the course developed by EPA, "Lead Sampling Technician ('HUD Clearance Technician') Training Course").

(h) Tenant notification and owner response requirements are as follows:

1. Owners shall distribute a pamphlet developed by the Department prior to commencement of repair work that will disturb more than two square feet of lead-based paint, unless the tenant has received the pamphlet within the last 12 months.

2. Owners shall post a notice advising tenants to report deteriorated paint and shall respond to any reported problem within 30 days. The notice shall include the landlord's name, address, and telephone number.

i. If an owner has received notice from a tenant that there is a pregnant woman or a child under the age of six years residing in the unit or, with regard to any problem reported in a common area, in the building, the owner shall respond to any report of deteriorated paint within three days.

ii. In buildings where there is no central location for posting notices or where notices are likely to be defaced or removed without authorization, the owner shall provide each tenant with a copy of such a notice.

(i) Lead-safe work practices: All work undertaken to repair or stabilize deteriorated paint and any other work that will disturb painted surfaces shall comply with the following:

1. Occupant protection and worksite preparation shall be performed in accordance with the applicable provisions of U.S. Department of Housing and Urban Development rules 24 CFR 35 included as Appendix 6-B of these rules.

2. The following work practices shall be prohibited:

i. Open flame burning or the use of high temperature (in excess of 1100 degrees F) heat guns;

ii. Power sanding or sandblasting, unless a special HEPA (high efficiency particulate air) filter equipped vacuum attachment is used to contain dust;

iii. Uncontained water blasting or power washing; or

iv. Dry scraping or sanding more than two square feet of painted surface per room (interior) or more than ten square feet per building (exterior).

3. All work shall be undertaken in a manner that prevents the spread of dust;
4. Specialized cleaning shall be performed at the end of each work day if the job will take more than one day and the area is to be occupied before work begins again and at the end of each job.
5. Occupant protection, worksite preparation and specialized cleaning (1. and 4. above) are not required for maintenance activities that disturb painted surfaces that total:
 - i. 20 square feet or less on the exterior of the building;
 - ii. Two square feet or less in any one interior room or space; or
 - iii. Ten percent or less of the total surface area of an interior or exterior component with a small surfaces area, including, but not limited to, window sills, baseboards or trim.
6. After the completion of any work involving the disturbance of painted surfaces of a size that exceeds the limits of 5. above, at least one dust wipe sample shall be taken by maintenance staff trained in accordance with (g) above in each room that is part of the work area at a location where work was performed. If the level exceeds the lead hazard level established by N.J.A.C. 5:17, the room shall be cleaned and retested until the results of testing demonstrate lead levels below the standard.
 - (j) (Reserved).
 - (k) Garages and other structures on the site: Any work on garages and other structures on the site shall be performed in accordance with the lead-safe work practices listed in (i) above. Structures to which tenants have access shall comply with the requirements set forth in (a) – (e) above.

Appendix 6-A, Interim Controls
(New Jersey Requirements Added in Italics)

U.S. Department of Housing and Urban Development
24 CFR 35.1330, Interim controls

35.1330 Interim controls

Interim controls of lead-based paint hazards identified in a risk assessment shall be conducted in accordance with the provisions of this section. Interim control measures include paint stabilization of deteriorated paint, treatments for friction and impact surfaces where levels of lead dust are above the levels specified. *(See N.J.A.C. 5:17-3.5, Lead hazards.)* Interim controls may be performed in combination with, or be replaced by, abatement methods.

(a) General requirements

(1) Only those interim control methods identified as acceptable methods in a current risk assessment report shall be used to control identified hazards.

(2) Occupants of dwelling units where interim controls are being performed shall be protected during the course of the work in accordance with 35.1345. *(See Appendix 6-B, Occupant protection and worksite preparation.)*

(3) Testing shall be performed at the conclusion of interim control activities in accordance with N.J.A.C. 5:17.

(4) A person performing interim controls must be trained in accordance with N.J.A.C. 5:10-6.6(g), Lead-safe maintenance requirements for multiple dwellings, Training.

(b) Paint stabilization

(1) Interim control treatments used to stabilize deteriorated lead-based paint shall be performed in accordance with the requirements of this section. Interim control treatments of intact, factory applied prime coatings on metal surfaces are not required. Finish coatings on such surfaces shall be treated by interim controls if those coatings contain lead-based paint.

(2) Any physical defect in the substrate of a painted surface or component that is causing deterioration of the surface or component shall be repaired before treating the surface or component. Examples of defective substrate conditions include dry rot, rust, moisture-related defects, crumbling plaster, and missing siding or other components that are not securely fastened.

(3) Before applying new paint, all loose paint and other loose material shall be removed from the surface to be treated. Acceptable methods for preparing the surface to be treated include wet scraping, wet sanding, and power sanding performed in conjunction with a HEPA filtered local exhaust attachment operated according to the manufacturer's instructions.

(4) Lead-safe work practices shall be performed in accordance with N.J.A.C. 5:10-6.6(i), Lead-safe maintenance requirements for multiple dwellings.

(5) Paint stabilization shall include the application of a new protective coating or paint. The surface substrate shall be dry and protected from future moisture damage before applying a new protective coating or paint. All protective coatings and paints shall be applied in accordance with the manufacturer's recommendations.

(c) Friction and impact surfaces

(1) Friction surfaces are required to be treated only if:

(i) Lead dust levels on the nearest horizontal surface underneath the friction surface (e.g., the window sill, window trough, or floor) are equal to or greater than the standards specified. (*See N.J.A.C. 5:17-3.5, Lead hazards.*)

(ii) There is evidence that the paint surface is subject to abrasion; and

(iii) Lead-based paint is known or presumed to be present on the friction surface.

(2) Impact surfaces are required to be treated only if:

(i) Paint on an impact surface is damaged or otherwise deteriorated;

(ii) The damaged paint is caused by impact from a related building component (such as a door knob that knocks into a wall, or a door that knocks against its door frame); and

(iii) Lead-based paint is known or presumed to be present on the impact surface.

(3) Examples of building components that may contain friction or impact surfaces include the following:

(i) Window systems;

(ii) Doors;

(iii) Stair treads and risers;

(iv) Baseboards;

(v) Drawers and cabinets; and

(vi) Porches, decks, interior floors, and any other painted surfaces that are abraded, rubbed, or impacted.

(4) Interim control treatments for friction surfaces shall eliminate friction points or treat the friction surface so that paint is not subject to abrasion. Examples of acceptable treatments include rehang and/or planing doors so that the door does not rub against the door frame, and installing window channel guides that reduce or eliminate abrasion of painted surfaces. Paint on stair treads and floors shall be protected with a durable cover or coating that will prevent abrasion of the painted surfaces. Examples of acceptable materials include carpeting, tile, and sheet flooring.

(5) Interim control treatments for impact surfaces shall protect the paint from impact. Examples of acceptable treatments include treatments that eliminate impact with the paint surface, such as a door stop to prevent a door from striking a wall or baseboard.

(6) Interim control for impact or friction surfaces does not include covering such a surface with a coating or other treatment, such as painting over the surface, that does not protect lead-based paint from impact or abrasion.

(d) Chewable surfaces

(1) Chewable surfaces are required to be treated only if there is evidence that a child of less than 6 years of age has chewed on the painted surface, and lead-based paint is known or presumed to be present on the surface.

(2) Interim control treatments for chewable surfaces shall make the lead-based paint inaccessible for chewing by children of less than 6 years of age. Examples include enclosures or coatings that cannot be penetrated by the teeth of such children.

(e) Dust-lead hazard control

(1) Interim control treatments used to control dust-lead hazards shall be performed in accordance with the requirements of this section. Additional information on dust removal is found in the Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing, particularly Chapter 11.

(2) Dust control shall involve a thorough cleaning of all horizontal surfaces, such as interior window sills, window troughs, floors, and stairs, but excluding ceilings. All horizontal surfaces, such as floors, stairs, window sills and window troughs, that are rough, pitted, or porous shall be covered with a smooth, cleanable covering or coating, such as metal coil stock, plastic, polyurethane, or linoleum.

(3) If a carpet is to remain, wipe samples shall be collected from the carpeted surfaces. For test results that indicate lead levels above the clearance levels specified in N.J.A.C. 5:17, the carpet shall be removed.

(f) Bare soil shall be treated in accordance with N.J.A.C. 5:10-6.6(j), Lead-safe maintenance requirements for multiple dwellings.

Appendix 6-B, Occupant Protection and Worksite Preparation
(New Jersey Requirements Added in Italics)

U.S. Department of Housing and Urban Development
24 CFR 35.1345, Occupant protection and worksite preparation.

24 CFR 35.1345 Occupant protection and worksite preparation

This section establishes procedures for protecting dwelling unit occupants and the environment from contamination from lead-contaminated or lead-containing materials during hazard reduction activities.

(a) Occupant protection

(1) Occupants shall not be permitted to enter the worksite during hazard reduction activities until after hazard reduction work has been completed and clearance, if required, has been achieved.

(2) Occupants shall be temporarily relocated before and during hazard reduction activities to a suitable, decent, safe, and similarly accessible dwelling unit that does not have lead-based paint hazards, except if:

(i) Treatment will not disturb lead-based paint, dust-lead hazards or soil-lead hazards:

(ii) Only the exterior of the dwelling unit is treated, and windows, doors, ventilation intakes and other openings in or near the worksite are sealed during hazard control work and cleaned afterward, and entry free of dust-lead hazards, soil-lead hazards, and debris is provided;

(iii) Treatment of the interior will be completed within one period of 8-daytime hours, the worksite is contained so as to prevent the release of leaded dust and debris into other areas, and treatment does not create other safety, health or environmental hazards (e.g., exposed live electrical wiring, release of toxic fumes, or on-site disposal of hazardous waste); or

(iv) Treatment of the Interior entails work such that, at the conclusion of each workday, the worksite can be contained and cleaned to remove any visible dust or debris, and safe access to the bathroom and sleeping areas can be provided.

(3) The dwelling unit and the worksite shall be secured against unauthorized entry, and occupants' belongings protected from contamination by dust-lead hazards and debris during hazard reduction activities. Occupants' belongings in the containment area shall be relocated to a safe and secure area outside the containment area, or covered with an impermeable covering with all seams and edges taped or otherwise sealed.

(b) Worksite preparation

(1) The worksite shall be prepared to prevent the release of leaded dust, and contain lead-based paint chips and other debris from hazard reduction activities within the worksite until they can be safely removed. Practices that minimize the spread of leaded dust, paint chips, soil and debris shall be used during worksite preparation.

(2) A warning sign shall be posted at each entry to a room where hazard reduction activities are conducted when occupants are present; or at each main and secondary entryway to a building from which occupants have been relocated; or, for an exterior hazard reduction activity, where it is easily read 20 feet (6 meters) from the edge of the hazard reduction activity

worksite. Each warning sign shall be provided in the occupants' primary language, to the extent practicable.

5:10-7.3 Exterior surfaces

(a)-(d) (No change.)

(e) Exterior surfaces of multiple dwellings that have not been certified as lead-free in accordance with N.J.A.C. 5:17 shall be maintained in accordance with the applicable provisions of N.J.A.C. 5:10-6.6.

5:10-8.2 Interior surfaces

(a)-(e) (No change.)

(f) Interior surfaces of multiple dwellings that have not been certified as lead-free in accordance with N.J.A.C. 5:17 shall be maintained in accordance with the applicable provisions of N.J.A.C. 5:10-6.6.

CHAPTER 15 EMERGENCY SHELTERS FOR THE HOMELESS

5:15-4.2 Building standard requirements

(a) – (b) (No change.)

(c) A structure used as a shelter for women and children where residency is for 30 days or more, and which has not been certified as lead-free pursuant to N.J.A.C. 5:17 and which was constructed before 1978, shall be maintained in accordance with the lead safe maintenance requirements for multiple dwellings established at N.J.A.C. 5:10-6.6.

CHAPTER 17 LEAD HAZARD EVALUATION AND ABATEMENT CODE

5:17-1.2 Definitions

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise

...

"HUD Guidelines" means the most recent version of the "Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing" prepared by the United States Department of Housing and Urban Development, Office of Healthy Homes and Lead Hazard Control and available from the U.S. Department of Housing and Urban Development (HUD), 451 7th Street, S.W., Washington, DC 20410 or by calling 1-800-245-2691. Copies may also be obtained from the HUD website at www.hud.gov/offices/lead/guidelines/hudguidelines/index.cfm.

...

"Interim controls" means a set of measures designed to reduce temporarily human exposure or likely exposure to lead-based paint hazards, including specialized cleaning, repairs, maintenance, painting, temporary containment, ongoing monitoring of lead-based paint hazards or potential hazards, and the establishment and operation of management and resident education programs, or as the term is defined under 42 U.S.C.s.4851b.

...

"Lead abatement" means a set of measures designed to permanently eliminate lead-based paint hazards in accordance with standards established by the commissioner in compliance with standards promulgated by the appropriate Federal agencies. Such term includes:

1. the removal of lead-based paint and lead-contaminated dust, the permanent containment or encapsulation of lead-based paint, the replacement of lead-painted surfaces or fixtures, and the removal or covering of lead-contaminated soil; and

2. all preparation, cleanup, disposal, and post-abatement clearance testing activities associated with such measures.

...

“Lead evaluation” means a surface-by-surface investigation to determine the presence of lead-based paint and the provision of a report explaining the results of the investigation.

“Lead hazard control work” means work to make housing lead-safe, or to mitigate through the use of interim controls as permitted under federal law and as defined in 42 U.S.C.s.4851b, or to eliminate permanently lead-based hazards by abatement on a premises by a person certified to perform lead abatement work pursuant to sections 1 through 12 of P.L.1993, c.288 and section 14 through 24 of P.L.1993, c.288.

“Lead-hazard free” means the absence of any condition that causes exposure to lead from lead-contaminated dust, lead-contaminated soil, or lead-contaminated paint that is deteriorated or present in accessible surfaces, friction surfaces, or impact surfaces that would result in adverse human health effects.

“Lead-hazard free certificate” means a certificate that is issued by a certified firm upon completion of a risk assessment to confirm that housing is lead hazard free.

"Lead-free" means having no lead-based paint on any surface within a dwelling unit, common area or building.

"Lead screening" means an abbreviated lead-based paint hazard evaluation [which may be appropriate for buildings constructed before 1978 that are in good condition] performed in accordance with the requirements established by this chapter for such testing, including the appendix.

“Lead-based paint” means paint or other surface coating material that contains lead equal to or in excess of 1.0 milligrams per centimeter squared or in excess of 0.5% by weight in excess of 1.0 milligrams per centimeter squared or in excess of 0.5% by weight, or such other level as may be established by federal law.

...

5:17-2.2 Conflict of interest

(a) - (c) (No change.)

(d) For evaluation services rendered for the purpose of complying with the requirements of N.J.A.C. 5:10, of any other applicable maintenance code or of another State or local law, there shall be no personal, professional or economic relationship between the individual(s) or business firm performing the lead evaluation services and the property owner other than the contract to perform lead evaluation services.

5:17-3.1 Contract documents--testing and evaluation

(a) Prior to testing and evaluation, an inspector/risk assessor shall enter into a contract with the owner or client which explains:

1. - 3. (No change.)

4. Whether the services to be provided include testing for the presence of lead-based paint only or risk assessment. If the services to be provided include risk assessment, the contract shall specify the extent of any recommendations to be made at the completion of the testing/evaluation, including whether additional testing may be recommended. It shall be made clear to the owner whether additional testing is required by Federal or State law;

5. If composite samples are to be taken, a statement that composite samples will be used and a brief explanation of this sampling method.

6. For multiple dwellings, a statement as to whether the sampling plan will employ random or worst-case sampling and an explanation of the methodology to be used.

(b) (No change.)

(c) For residential structures, the inspector/risk assessor shall first determine if the structure pre-dates 1978. For structures built on or after January 1, 1978, no testing/evaluation shall be performed unless the owner acknowledges in writing that he or she has been informed that such structures are considered lead-safe and that the owner is requesting testing/evaluation as a special precaution.

(d) If an inspector/risk assessor determines that a residential structure was built before 1978 and finds that all painted surfaces are in intact condition, he or she shall offer to perform a less comprehensive lead screening prior to deciding whether to recommend further testing or evaluation.

1. (No change.)

2. Lead screening shall be performed in accordance with U.S. Environmental Protection Agency rules (40 CFR 745) included here as Appendix 3-A.

i. At the owner's option, or if otherwise required by law, the screening may include a survey for proximate environmental lead sources and soil, water or air tests for lead. However, if the inspector/risk assessor undertakes these additional tests, a signed statement shall be required from the owner acknowledging that he or she has been informed that these tests, absent other evidence of contamination, are not currently required under Federal or State law.

(e) (No change in text.)

Redesignate (g) as (f) (No change in text.)

5:17-3.2 Testing and evaluation

(a) All testing and evaluation services shall be performed in accordance with the three standards listed below, as appropriate. In addition, for post-abatement clearance testing, N.J.A.C. 5:17-9.1 shall be followed.

1. Chapters 5, 7 and 15 of the HUD Guidelines;

2. The guidelines of the Steel Structures Painting Council referenced in N.J.A.C. 5:17-1.3; and

3. Rules adopted by the U.S. Environmental Protection Agency at 40 C.F.R. 745.

(b) For testing and evaluation undertaken at the owner's option, the extent of the testing and evaluation to be performed shall be as defined in the contract with the owner as per N.J.A.C. 5:17-3.1(a)1. The standards listed in (a) above shall dictate the method of testing and sample collection. They shall serve as a guide for the number and location of samples to be taken. The actual number and location of samples taken shall be as per the contract with the owner or client.

(c) For testing and evaluation undertaken for the purpose of complying with the requirements of N.J.A.C. 5:10-6.6, 5:15-4.2, 5:27-4.10, 5:28-2.1 or of any other applicable maintenance code, the method of testing and evaluation and the number and location of samples to be tested shall be in accordance with the standards listed in (a) above and shall include the elements prescribed in the appendices listed below.

1. Lead screening for this purpose shall be performed in accordance with the rules adopted by the U.S. Environmental Protection Agency at 40 C.F.R. 745, included as Appendix 3-A below.

2. Risk assessment for this purpose shall be performed in accordance with the rules adopted by the U.S. Environmental Protection Agency at 40 C.F.R. 745, included as Appendix 3-B below. For purposes of performing a risk assessment, "floors," as specified in 40 C.F.R. 745.227(d), shall include both carpeted and uncarpeted surfaces.

Redesignated 5. as (d) (No change in text.)

Redesignate (f) as (e) (No change in text.)

5:17-3.3 Certification to perform evaluation services; standards

(a) - (b) (No change.)

(c) The contractor shall allow the Department access to the job site at any time while evaluation is ongoing. The contractor shall also make available to the Department, upon request, any documentation relevant to the job. The Department of Health and Senior Services shall be accorded the same access to job sites and documentation in administering its enforcement responsibilities.

5:17-3.4 Additional testing requirements

(a) XRF testing shall be performed in compliance with the HUD Guidelines and with N.J.A.C. 7:28-4 using accepted manufacturers' recommended calibration techniques and substrate corrections.

(b) Dust wipe sampling shall be done as per the HUD Guidelines.

(c) Anodic stripping voltammetry (ASV) may be used to test surfaces in accordance with manufacturer's recommendations, ASTM standard E 2051-01, and any applicable Federal protocols that may be developed.

(d) Carpet shall be tested by dust wipe, by vacuum sampling in accordance with the U.S. Environmental Protection Agency report "Residential Sampling for Lead: Protocols for Dust and Soil Sampling," March 29, 1995, incorporated herein by reference. The report may be ordered through the US EPA website www.epa.gov/opptintr/lead/leadtpbf.htm.

(e) through (f) (No change.)

5:17-3.5 Lead hazards

(a) The following lead dust levels resulting from a lead screening shall indicate that a full evaluation shall be recommended in the report produced by the inspector/risk assessor:

1. Floor wipes in excess of 25 microg/square foot; or
2. Window sill wipes in excess of 125 microg/square foot.

(b) The following lead dust levels shall indicate lead hazards:

1. – 3. (No change.)

5:17-3.6 Reports and certificates

(a) Report: At the completion of all testing and evaluation, as per this subchapter, an inspector/risk assessor shall provide the owner with a complete report of all testing performed and all results.

1. The report shall include:

- i. The date(s) of inspection;
- ii. The address of the building(s) and unit numbers (if applicable);
- iii. The date of construction of the building(s);
- iv. The name, address and telephone number of the owner;
- v. The name and signature of each inspector/risk assessor conducting testing (including the New Jersey Department of Health and Senior Services certification number);
- vi. The name and signature of each clearance technician collecting samples;
- vii. The name, address and telephone number of the firm employing the inspector/risk assessor(s) and clearance technician(s);
- viii. The name and address of each laboratory conducting analysis of collected samples;
- ix. Each testing device and/or sampling procedure employed and the serial number of any XRF device used;
- x. The precise locations of all components and surfaces on components tested or sampled;
- xi. All data collected using onsite testing devices; and
- xii. The results of all tests performed.

2. A copy of this report shall be made available to the Department upon request.

(b) If, upon performance of an inspection of all painted surfaces in accordance with this chapter, a unit or building is determined to be lead-free, the certified lead evaluation firm shall issue a certification on a form prescribed by the Bureau to the owner and, upon request, to any enforcing agency having jurisdiction to enforce lead safety standards at the premises.

1. The certificate or report shall be signed and dated and shall identify the building, common area(s) or dwelling unit(s) to which it applies.

2. In order to be certified as lead free, the paint shall be tested for lead content through XRF testing, paint chip analysis or another method of testing the lead content of paint permitted pursuant to this chapter. All such testing shall be performed in accordance with the requirements of this chapter and the protocols established in the HUD Guidelines.

(c) If, upon performance of an inspection and risk assessment in accordance with this chapter, a unit or building is determined to be free of lead-based paint hazards, the certified lead evaluation firm shall issue a certification on a form prescribed by the Bureau to the owner and, upon request, to any enforcing agency having jurisdiction to enforce lead safety standards at the premises.

1. The certificate or report shall be signed and dated, shall identify the building, common area(s) and dwelling unit(s) to which it applies. The certificate or report also shall include a statement cautioning the owner regarding the need to perform on-going evaluation and maintenance to ensure that the painted surfaces remain in a hazard free condition.

(d) Recommendations: If providing recommendations was part of the contract between the inspector/risk assessor and the owner or if the provision of a plan for lead hazard control work is required pursuant to N.J.A.C. 5:10-6.6, 5:15-4.2, 5:27-4.10, 5:28-2.1 or any other applicable

maintenance code, the inspector/risk assessor, based on the results, shall outline for the owner options for lead hazard control work to address any lead hazards or potential lead hazards found.

Appendix 3-A, Lead Screening
(New Jersey Requirements Added in Italics)

Environmental Protection Agency

40 CFR 745.227(c), Work practice standards for conducting lead-based paint activities: target housing and child-occupied facilities, Lead hazard screen

745.227(c) Lead hazard screen

(1) *A lead hazard screen shall be conducted by a risk assessor certified pursuant to N.J.A.C. 5:17.*

(2) If conducted, a lead hazard screen shall be conducted as follows:

(i) Background information regarding the physical characteristics of the residential dwelling or child-occupied facility and occupant use patterns that may cause lead-based paint exposure to one or more children age 6 years and under shall be collected.

(ii) A visual inspection of the residential dwelling or child-occupied facility shall be conducted to:

(A) Determine if any deteriorated paint is present, and

(B) Locate at least two dust sampling locations.

(iii) If deteriorated paint is present, each surface with deteriorated paint, which is determined using documented methodologies, to be in poor condition and to have a distinct painting history, shall be tested for the presence of lead.

(iv) In residential dwellings, two composite dust samples shall be collected, one from the floors and the other from the windows, in rooms, hallways or stairwells where one or more children, age 6 and under, are most likely to come in contact with dust.

(v) In multi-family dwellings and child occupied facilities, in addition to the floor and window samples required in paragraph (c)(2)(iv) of this section, the risk assessor shall also collect composite dust samples from common areas where one or more children, age 6 and under, are most likely to come into contact with dust.

(3) Dust samples shall be collected and analyzed in the following manner:

(i) All dust samples shall be taken using documented methodologies that incorporate adequate quality control procedures.

(ii) *All collected dust samples shall be analyzed by persons certified pursuant to N.J.A.C. 5:17 and analyzed in accordance with N.J.A.C. 5:17-3, Evaluation and Testing.*

(4) Paint shall be sampled in the following manner:

(i) The analysis of paint to determine the presence of lead shall be conducted using documented methodologies which incorporate adequate quality control procedures; and/or

(ii) *All collected paint chip samples shall be analyzed by persons certified pursuant to N.J.A.C. 5:17 and analyzed in accordance with N.J.A.C. 5:17-3, Evaluation and Testing.*

(5) The risk assessor shall prepare a lead hazard screen report, which shall include the following information:

(i) The information required in a risk assessment report as specified in *Appendix 3-B*, including paragraphs (d)(11)(i) through (d)(11)(xiv), and excluding paragraphs (d)(11)(xv) through (d)(11)(xviii) of this section. Additionally, any background information collected pursuant to paragraph (c)(2)(i) of this section shall be included in the risk assessment report.

Appendix 3-B, Risk Assessment
(New Jersey Requirements Added in Italics)

40 CFR 745.227(d), Work practice standards for conducting lead-based paint activities: target housing and child-occupied facilities, Risk assessment

745.227 (d) Risk assessment

(1) A risk assessment shall be conducted only by a person certified pursuant to N.J.A.C. 5:17.

(2) A visual inspection for risk assessment of the residential dwelling or child-occupied facility shall be undertaken to locate the existence of deteriorated paint, assess the extent and causes of the deterioration, and other potential lead-based paint hazards.

(3) Background information regarding the physical characteristics of the residential dwelling or child-occupied facility and occupant use patterns that may cause lead-based paint exposure to one or more children age 6 years and under shall be collected.

(4) The following surfaces which are determined, using documented methodologies, to have a distinct painting history, shall be tested for the presence of lead:

(i) Each friction surface or impact surface with visibly deteriorated paint; and

(ii) All other surfaces with visibly deteriorated paint.

(5) In residential dwellings, dust samples (either composite or single-surface samples) from the interior window sill(s) and floor shall be collected and analyzed for lead concentration in all living areas where one or more children, age 6 and under, are most likely to come into contact with dust.

(6) For multi-family dwellings and child-occupied facilities, the samples required in paragraph (d)(4) of this section shall be taken. In addition, interior window sill and floor dust samples (either composite or single-surface samples) shall be collected and analyzed for lead concentration in the following locations:

(i) Common areas adjacent to the sampled residential dwelling or child-occupied facility; and

(ii) Other common areas in the building where the risk assessor determines that one or more children, age 6 and under, are likely to come into contact with dust.

(7) For child-occupied facilities, interior window sill and floor dust samples (either composite or single-surface samples) shall be collected and analyzed for lead concentration in each room, hallway or stairwell utilized by one or more children, age 6 and under, and in other common areas in the child-occupied facility where one or more children, age 6 and under, are likely to come into contact with dust.

(8) Soil samples shall be collected and analyzed for lead concentrations in the following locations:

(i) Exterior play areas where bare soil is present; and

(ii) The rest of the yard (i.e., nonplay areas) where bare soil is present.

(iii) Dripline/foundation areas where bare soil is present.

(9) Any paint, dust, or soil sampling or testing shall be conducted using documented methodologies that incorporate adequate quality control procedures.

(10) Any collected paint chip, dust, or soil samples shall be analyzed by persons certified pursuant to N.J.A.C. 5:17 and analyzed in accordance with N.J.A.C. 5:17-3, Evaluation and Testing.

(11) The certified risk assessor shall prepare a risk assessment report which shall include the following information:

- (i) Date of assessment.
- (ii) Address of each building.
- (iii) Date of construction of buildings.
- (iv) Apartment number (if applicable).
- (v) Name, address, and telephone number of each owner of each building.
- (vi) Name, signature, and certification of the certified risk assessor conducting the assessment.
- (vii) Name, address, and telephone number of the certified firm employing each certified risk assessor.
- (viii) Name, address, and telephone number of each recognized laboratory conducting analysis of collected samples.
- (ix) Results of the visual inspection.
- (x) Testing methods and sampling procedure for paint analysis employed.
- (xi) Specific locations of each painted component tested for the presence of lead.
- (xii) All data collected from on-site testing, including quality control data and, if used, the serial number of any XRF device.
- (xiii) All results of laboratory analysis on collected paint, soil, and dust samples.
- (xiv) Any other sampling results.
- (xv) Any background information collected pursuant to paragraph (d)(3) of this section.
- (xvi) To the extent that they are used as part of the lead-based paint hazard determination, the results of any previous inspections or analyses for the presence of lead-based paint, or other assessment of lead-based paint-related hazards.
- (xvii) A description of the location, type, and severity of identified lead-based paint hazards and any other potential lead hazards.
- (xviii) A description of interim controls and/or abatement options for each identified lead-based paint hazard and a suggested prioritization for addressing each hazard. If the use of an encapsulant or enclosure is recommended, the report shall recommend a maintenance and monitoring schedule for the encapsulant or enclosure.

CHAPTER 27 REGULATIONS GOVERNING ROOMING AND BOARDING HOUSES

5:27-4.10 Lead-safe maintenance requirements

(a) Each building constructed before 1978 that houses women and children shall be subject to the requirements for lead-safe maintenance contained in this section. All such buildings shall undergo a combined inspection and risk assessment, and lead hazard control work in accordance with (b) below or shall comply with the requirements for standard treatments contained in (c) below. Following the performance of lead hazard control work or standard treatments, all buildings shall be subject to the requirements for on-going evaluation and maintenance contained in (d) below.

1. Exception: Buildings, dwelling units or common areas that have been certified as lead free in accordance with N.J.A.C. 5:17.

(b) Inspection, Risk Assessment and Lead Hazard Control Work: A combined inspection and risk assessment shall be performed in accordance with the applicable provisions of N.J.A.C. 5:17. Data collected from a previous inspection or risk assessment may be used. If a property or portions of a property were inspected for lead-based paint prior to the effective date of the regulations, a risk assessment shall be performed for the property or portions inspected; however, a new inspection shall not be required. For purposes of this section, "risk assessment" shall exclude testing of soil. For purposes of this section, "floors," shall include both carpeted and uncarpeted surfaces.

1. Lead hazard control work to address lead-based paint hazards identified in the risk assessment shall be conducted in accordance with the applicable provisions of N.J.A.C. 5:17 for lead-based paint abatement and in accordance with the U.S. Department of Housing and Urban Development rules (24 CFR 35) for interim controls included here as Appendix 4-A.

2. Following the performance of an inspection and risk assessment and any necessary lead hazard control work, the owner shall obtain a certification that the property is free of lead-based paint hazards issued in accordance with N.J.A.C. 5:17-3.6.

(c) Standard treatments: If the owner chooses not to have an inspection and risk assessment performed, as described in (b) above, the following lead hazard control requirements shall be followed for each dwelling unit and for all common areas. For each such building, the owner shall undertake periodic standard treatments as described below.

1. Standard treatments for lead safety shall be undertaken at unit turnover, unless they were undertaken less than 12 months before. Standard treatments shall be undertaken not less than once every 12 months in dwelling units where the owner has been notified by a tenant that a pregnant woman or a child under the age of six years resides.

2. Standard treatments shall include the following:

i. Smooth and cleanable horizontal surfaces shall be provided. All horizontal surfaces, such as floors, stairs, interior window sills and window troughs, that are rough, pitted or porous, shall be covered with a smooth, cleanable covering or coating, such as metal coil stock, plastic, polyurethane or linoleum;

(1) If carpet is to remain, wipe samples shall be collected from the carpeted surfaces. For test results that indicate lead levels above the clearance levels specified in N.J.A.C. 5:17, the carpet shall be removed.

(A) If carpet is to be removed and replaced with new carpet, the padding beneath the contaminated carpet shall also be replaced and the floor below shall be tested and shall not exceed the clearance levels set forth in N.J.A.C. 5:17.

ii. Conditions of rubbing, binding, friction or crushing of painted surfaces shall be corrected;

- iii. Specialized cleaning shall be performed in accordance with (1) through (3) below.

(1) The work area shall be vacuumed with a HEPA vacuum cleaner as follows:

- (A) HEPA vacuuming shall be sequenced to avoid passing through rooms already cleaned. The entryway shall be vacuumed last; and
- (B) In each room, vacuuming shall begin with the ceiling and shall proceed down the walls. Every surface shall be vacuumed including, but not limited to, ceiling, walls, windows, window sills, exterior sills, window wells, doors, heating and air conditioning equipment, fixtures, such as light fixtures, and built-in appliances. Floors shall be the final surface vacuumed.

(2) The work area(s) shall be wet washed with a detergent solution such as trisodium phosphate, formulated to bind lead. An original, marked container showing the nature of the formula and any necessary precautions shall be available at the work site. The name of the product used and its manufacturer shall be included in the records retained by the owner.

- (A) In each room, the wet wash process shall begin with the ceiling and work down to the floor following the sequence in (c)2.iii(1)(A) and (B) above.
- (B) String mops and mop buckets with wringers are required for wet washing floors. Sponge mops shall not be used.

(3) When dry, the abated area(s) shall be HEPA vacuumed again, following the sequence in (c)2.iii(2)(A) and (B) above.

iv. Lead screening or clearance testing in accordance with N.J.A.C. 5:17 shall be performed and the results of the screening or testing shall not exceed the levels established in N.J.A.C. 5:17.

(d) On-going evaluation and maintenance, as described below, shall be required for all buildings.

1. A visual examination for deteriorated paint shall be performed by the owner at unit turnover or every twelve months, whichever comes first.

2. Deteriorated paint and the causes of deterioration shall be promptly and safely repaired in accordance with the requirements of (i) below.

i. Painted surfaces shall be made intact by paint stabilization, enclosure, encapsulation or removal.

ii. The causes of paint deterioration shall be diagnosed and corrected.

iii. Dust wipe testing shall be performed when the work is complete to ensure that the lead dust levels do not exceed the lead hazard levels established by N.J.A.C. 5:17. If the level exceeds the lead hazard level established by N.J.A.C. 5:17, cleaning and retesting shall be performed until the results of testing demonstrate lead levels below the standard.

(e) Exterior Surfaces:

1. The requirements set forth in subsections (a) – (d) above shall apply to stairwells, porches, balconies, entryways, and windows.

2. For all other exterior surfaces, lead-safe work practices, in accordance with (i) below, shall be used for any work to be undertaken, unless the paint has been tested and not found to be lead-based paint.

(f) Recordkeeping:

1. A record of testing performed and any certificate issued by a certified evaluation firm indicating that the building or any portion thereof is lead free shall be maintained for the life of the structure.

2. A record of all testing, visual examinations, findings and corrective action taken, including the date(s) and location(s) of any sampling performed and of corrective actions taken, shall be maintained for not less than five years and shall be made available upon request for review by the Bureau. This shall include a record of:

i. Inspections, risk assessments and lead hazard control work performed pursuant to (b) above;

ii. Standard treatments undertaken pursuant to (c) above;

iii. On-going evaluation and maintenance undertaken pursuant to (d) above;

iv. Any certificates issued to the building owner by a certified lead evaluation firm;

v. Tenant notification required pursuant to (h) below; and

vi. Any reports of deteriorated paint received from tenants and documentation of the owner's responses pursuant to (h) below.

3. A record of the training in safe building maintenance practices of each individual as required by (g) below shall be maintained by the owner as long as that individual is involved in the maintenance of the building and shall be made available upon request for review by the Bureau.

(g) Training requirements are as follows: 1. All owners or employees of the owner performing visual examinations or undertaking corrective action or maintenance work shall complete a one-day training course on safe building maintenance practices and applicable New Jersey law offered by a training provider accredited by the Department of Health and Senior Services. Courses approved for this purpose shall include:

i. The Lead-Based Paint Maintenance Training Program, "Work Smart, Work Wet, and Work Clean to Work Lead Safe," prepared by the National Environmental Training Association for EPA and HUD;

ii. "The Remodeler's and Renovator's Lead-Based Paint Training Program," prepared by HUD and the National Association of the Remodeling Industry;

iii. Lead Safety for Remodeling, Repair and Painting: A Joint EPA-HUD Course; or

iv. Any other course that the Department finds to be substantially equivalent.

2. Owners or employees of the owner shall not perform dust wipe sampling unless they have completed a State-certified course in accordance with this section or a HUD-approved clearance technician course (e.g., the course developed by EPA, "Lead Sampling Technician ('HUD Clearance Technician') Training Course").

(h) Tenant notification and owner response requirements are as follows:

1. Owners shall distribute a pamphlet developed by the Department prior to commencement of repair work that will disturb more than two square feet of lead-based paint, unless the tenant has received the pamphlet within the last 12 months.

2. Owners shall post a notice advising tenants to report deteriorated paint and shall respond to any reported problem within 30 days. The notice shall include the landlord's name, address, and telephone number.

i. If an owner has received notice from a tenant that there is a pregnant woman or a child under the age of six years residing in the unit or, with regard to any problem reported in a common area, in the building, the owner shall respond to any report of deteriorated paint within three days.

ii. In buildings where there is no central location for posting notices or where notices are likely to be defaced or removed without authorization, the owner shall provide each tenant with a copy of such a notice.

(i) Lead-safe work practices: All work undertaken to repair or stabilize deteriorated paint and any other work that will disturb painted surfaces shall comply with the following:

1. Occupant protection and worksite preparation shall be performed in accordance with the applicable provisions of U.S. Department of Housing and Urban Development rules 24 CFR 35 included as Appendix 4-B of these rules.

2. The following work practices shall be prohibited:

i. Open flame burning or the use of high temperature (in excess of 1100 degrees F) heat guns;

ii. Power sanding or sandblasting, unless a special HEPA (high efficiency particulate air) filter equipped vacuum attachment is used to contain dust;

iii. Uncontained water blasting or power washing; or

iv. Dry scraping or sanding more than two square feet of painted surface per room (interior) or more than ten square feet per building (exterior).

3. All work shall be undertaken in a manner that prevents the spread of dust;

4. Specialized cleaning shall be performed at the end of each work day if the job will take more than one day and the area is to be occupied before work begins again and at the end of each job.

5. Occupant protection, worksite preparation and specialized cleaning (1. and 4. above) are not required for maintenance activities that disturb painted surfaces that total:

i. 20 square feet or less on the exterior of the building;

ii. Two square feet or less in any one interior room or space; or

iii. Ten percent or less of the total surface area of an interior or exterior component with a small surfaces area, including, but not limited to, window sills, baseboards or trim.

6. After the completion of any work involving the disturbance of painted surfaces of a size that exceeds the limits of 5. above, at least one dust wipe sample shall be taken by maintenance staff trained in accordance with (g) above in each room that is part of the work area at a location where work was performed. If the level exceeds the lead hazard level established by N.J.A.C. 5:17, the room shall be cleaned and retested until the results of testing demonstrate lead levels below the standard.

(j) (Reserved)

(k) Garages and other structures on the site: Any work on garages and other structures on the site shall be performed in accordance with the lead-safe work practices listed in (i) above. Structures to which tenants have access shall comply with the requirements set forth in (a) – (e) above.

Appendix 4-A, Interim Controls

(New Jersey Requirements Added in Italics)

U.S. Department of Housing and Urban Development
24 CFR 35.1330, Interim controls

35.1330 Interim controls

Interim controls of lead-based paint hazards identified in a risk assessment shall be conducted in accordance with the provisions of this section. Interim control measures include paint stabilization of deteriorated paint, treatments for friction and impact surfaces where levels of lead dust are above the levels specified. (*See N.J.A.C. 5:17-3.5, Lead hazards.*) Interim controls may be performed in combination with, or be replaced by, abatement methods.

(a) General requirements

(1) Only those interim control methods identified as acceptable methods in a current risk assessment report shall be used to control identified hazards.

(2) Occupants of dwelling units where interim controls are being performed shall be protected during the course of the work in accordance with 35.1345. (*See Appendix 4-B, Occupant protection and worksite preparation.*)

(3) *Testing shall be performed at the conclusion of interim control activities in accordance with N.J.A.C. 5:17.*

(4) *A person performing interim controls must be trained in accordance with N.J.A.C. 5:27-4.10(g), Training.*

(b) Paint stabilization

(1) Interim control treatments used to stabilize deteriorated lead-based paint shall be performed in accordance with the requirements of this section. Interim control treatments of intact, factory applied prime coatings on metal surfaces are not required. Finish coatings on such surfaces shall be treated by interim controls if those coatings contain lead-based paint.

(2) Any physical defect in the substrate of a painted surface or component that is causing deterioration of the surface or component shall be repaired before treating the surface or component. Examples of defective substrate conditions include dry rot, rust, moisture-related defects, crumbling plaster, and missing siding or other components that are not securely fastened.

(3) Before applying new paint, all loose paint and other loose material shall be removed from the surface to be treated. Acceptable methods for preparing the surface to be treated include wet scraping, wet sanding, and power sanding performed in conjunction with a HEPA filtered local exhaust attachment operated according to the manufacturer's instructions.

(4) *Lead-safe work practices shall be performed in accordance with N.J.A.C. 5:27-4.10(i).*

(5) Paint stabilization shall include the application of a new protective coating or paint. The surface substrate shall be dry and protected from future moisture damage before applying a new protective coating or paint. All protective coatings and paints shall be applied in accordance with the manufacturer's recommendations.

(c) Friction and impact surfaces

(1) Friction surfaces are required to be treated only if:

(i) Lead dust levels on the nearest horizontal surface underneath the friction surface (e.g., the window sill, window trough, or floor) are equal to or greater than the standards specified. (*See N.J.A.C. 5:17-3.5, Lead hazards.*)

(ii) There is evidence that the paint surface is subject to abrasion; and

(iii) Lead-based paint is known or presumed to be present on the friction surface.

- (2) Impact surfaces are required to be treated only if:
- (i) Paint on an impact surface is damaged or otherwise deteriorated;
 - (ii) The damaged paint is caused by impact from a related building component (such as a door knob that knocks into a wall, or a door that knocks against its door frame); and
 - (iii) Lead-based paint is known or presumed to be present on the impact surface.
- (3) Examples of building components that may contain friction or impact surfaces include the following:
- (i) Window systems;
 - (ii) Doors;
 - (iii) Stair treads and risers;
 - (iv) Baseboards;
 - (v) Drawers and cabinets; and
 - (vi) Porches, decks, interior floors, and any other painted surfaces that are abraded, rubbed, or impacted.
- (4) Interim control treatments for friction surfaces shall eliminate friction points or treat the friction surface so that paint is not subject to abrasion. Examples of acceptable treatments include rehanging and/or planing doors so that the door does not rub against the door frame, and installing window channel guides that reduce or eliminate abrasion of painted surfaces. Paint on stair treads and floors shall be protected with a durable cover or coating that will prevent abrasion of the painted surfaces. Examples of acceptable materials include carpeting, tile, and sheet flooring.
- (5) Interim control treatments for impact surfaces shall protect the paint from impact. Examples of acceptable treatments include treatments that eliminate impact with the paint surface, such as a door stop to prevent a door from striking a wall or baseboard.
- (6) Interim control for impact or friction surfaces does not include covering such a surface with a coating or other treatment, such as painting over the surface, that does not protect lead-based paint from impact or abrasion.

(d) Chewable surfaces

- (1) Chewable surfaces are required to be treated only if there is evidence that a child of less than 6 years of age has chewed on the painted surface, and lead-based paint is known or presumed to be present on the surface.
- (2) Interim control treatments for chewable surfaces shall make the lead-based paint inaccessible for chewing by children of less than 6 years of age. Examples include enclosures or coatings that cannot be penetrated by the teeth of such children.

(e) Dust-lead hazard control

- (1) Interim control treatments used to control dust-lead hazards shall be performed in accordance with the requirements of this section. Additional information on dust removal is found in the Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing, particularly Chapter 11.
- (2) Dust control shall involve a thorough cleaning of all horizontal surfaces, such as interior window sills, window troughs, floors, and stairs, but excluding ceilings. All horizontal surfaces, such as floors, stairs, window sills and window troughs, that are rough, pitted, or porous shall be covered with a smooth, cleanable covering or coating, such as metal coil stock, plastic, polyurethane, or linoleum.

(3) If a carpet is to remain, wipe samples shall be collected from the carpeted surfaces. For test results that indicate lead levels above the clearance levels specified in N.J.A.C. 5:17, the carpet shall be removed.

(f) Bare soil shall be treated in accordance with N.J.A.C. 5:27-4.10(j).

Appendix 4-B, Occupant Protection and Worksite Preparation
(New Jersey Requirements Added in Italics)

U.S. Department of Housing and Urban Development
24 CFR 35.1345, Occupant protection and worksite preparation.

24 CFR 35.1345 Occupant protection and worksite preparation

This section establishes procedures for protecting dwelling unit occupants and the environment from contamination from lead-contaminated or lead-containing materials during hazard reduction activities.

(a) Occupant protection

(1) Occupants shall not be permitted to enter the worksite during hazard reduction activities until after hazard reduction work has been completed and clearance, if required, has been achieved.

(2) Occupants shall be temporarily relocated before and during hazard reduction activities to a suitable, decent, safe, and similarly accessible dwelling unit that does not have lead-based paint hazards, except if:

(i) Treatment will not disturb lead-based paint, dust-lead hazards or soil-lead hazards:

(ii) Only the exterior of the dwelling unit is treated, and windows, doors, ventilation intakes and other openings in or near the worksite are sealed during hazard control work and cleaned afterward, and entry free of dust-lead hazards, soil-lead hazards, and debris is provided;

(iii) Treatment of the interior will be completed within one period of 8-daytime hours, the worksite is contained so as to prevent the release of leaded dust and debris into other areas, and treatment does not create other safety, health or environmental hazards (e.g., exposed live electrical wiring, release of toxic fumes, or on-site disposal of hazardous waste); or

(iv) Treatment of the interior entails work such that, at the conclusion of each workday, the worksite can be contained and cleaned to remove any visible dust or debris, and safe access to the bathroom and sleeping areas can be provided.

(3) The dwelling unit and the worksite shall be secured against unauthorized entry, and occupants' belongings protected from contamination by dust-lead hazards and debris during hazard reduction activities. Occupants' belongings in the containment area shall be relocated to a safe and secure area outside the containment area, or covered with an impermeable covering with all seams and edges taped or otherwise sealed.

(b) Worksite preparation

(1) The worksite shall be prepared to prevent the release of leaded dust, and contain lead-based paint chips and other debris from hazard reduction activities within the worksite until they can be safely removed. Practices that minimize the spread of leaded dust, paint chips, soil and debris shall be used during worksite preparation.

(2) A warning sign shall be posted at each entry to a room where hazard reduction activities are conducted when occupants are present; or at each main and secondary entryway to a building from which occupants have been relocated; or, for an exterior hazard reduction activity, where it

is easily read 20 feet (6 meters) from the edge of the hazard reduction activity worksite. Each warning sign shall be provided in the occupants' primary language, to the extent practicable.

CHAPTER 28 NEW JERSEY STATE HOUSING CODE

SUBCHAPTER 2. LEAD HAZARD PREVENTION

5:28-2.1 Lead-safe maintenance requirements

(a) Each tenant-occupied residential building constructed before 1978 shall be subject to the requirements for lead-safe maintenance contained in this section. All such buildings shall undergo a combined inspection and risk assessment, and lead hazard control work in accordance with (b) below or shall comply with the requirements for standard treatments contained in (c) below. Following the performance of lead hazard control work or standard treatments, all buildings shall be subject to the requirements for on-going evaluation and maintenance contained in (d) below.

1. The requirements of this section shall not apply to:

i. Buildings, dwelling units or common areas that have been certified to be free of lead-based paint in accordance with N.J.A.C. 5:17;

ii. a seasonal rental unit which is rented for less than six months' duration each year;
or

iii. a dwelling unit that has been certified as having a lead-free interior in accordance with N.J.A.C. 5:17.

(b) Inspection, Risk Assessment and Lead Hazard Control Work: A combined inspection and risk assessment shall be performed in accordance with the applicable provisions of N.J.A.C. 5:17. Data collected from a previous inspection or risk assessment may be used. If a property or portions of a property were inspected for lead-based paint prior to the effective date of the regulations, a risk assessment shall be performed for the property or portions inspected; however, a new inspection shall not be required. For purposes of this section, "risk assessment" shall exclude testing of soil. For purposes of this section, "floors," shall include both carpeted and uncarpeted surfaces.

1. Lead hazard control work to address lead-based paint hazards identified in the risk assessment shall be conducted in accordance with the applicable provisions of N.J.A.C. 5:17 for lead-based paint abatement and in accordance with the U.S. Department of Housing and Urban Development rules (24 CFR 35) for interim controls included here as Appendix 2-A.

2. Following the performance of an inspection and risk assessment and any necessary lead hazard control work, the owner shall obtain a certification that the property is free of lead-based paint hazards issued in accordance with N.J.A.C. 5:17-3.6.

(c) Standard treatments: If the owner chooses not to have an inspection and risk assessment performed, as described in (b) above, the following lead hazard control requirements shall be followed for each dwelling unit and for all common areas. For each such building, the owner shall undertake periodic standard treatments as described below.

1. Standard treatments for lead safety shall be undertaken at unit turnover, unless they were undertaken less than 12 months before. Standard treatments shall be undertaken not less than once every 12 months in dwelling units where the owner has been notified by a tenant that a pregnant woman or a child under the age of six years resides.

2. Standard treatments shall include the following:

i. Smooth and cleanable horizontal surfaces shall be provided. All horizontal surfaces, such as floors, stairs, interior window sills and window troughs, that are rough, pitted or porous, shall be covered with a smooth, cleanable covering or coating, such as metal coil stock, plastic, polyurethane or linoleum;

- (1) If carpet is to remain, wipe samples shall be collected from the carpeted surfaces. For test results that indicate lead levels above the clearance levels specified in N.J.A.C. 5:17, the carpet shall be removed.
 - (A) If carpet is to be removed and replaced with new carpet, the padding beneath the contaminated carpet shall also be replaced and the floor below shall be tested and shall not exceed the clearance levels set forth in N.J.A.C. 5:17.
 - ii. Conditions of rubbing, binding, friction or crushing of painted surfaces shall be corrected;
 - iii. Specialized cleaning shall be performed in accordance with (1) through (3) below.
 - (1) The work area shall be vacuumed with a HEPA vacuum cleaner as follows:
 - (A) HEPA vacuuming shall be sequenced to avoid passing through rooms already cleaned. The entryway shall be vacuumed last; and
 - (B) In each room, vacuuming shall begin with the ceiling and shall proceed down the walls. Every surface shall be vacuumed including, but not limited to, ceiling, walls, windows, window sills, exterior sills, window wells, doors, heating and air conditioning equipment, fixtures, such as light fixtures, and built-in appliances. Floors shall be the final surface vacuumed.
 - (2) The work area(s) shall be wet washed with a detergent solution such as trisodium phosphate, formulated to bind lead. An original, marked container showing the nature of the formula and any necessary precautions shall be available at the work site. The name of the product used and its manufacturer shall be included in the records retained by the owner.
 - (A) In each room, the wet wash process shall begin with the ceiling and work down to the floor following the sequence in (c)2.iii(1)(A) and (B) above.
 - (B) String mops and mop buckets with wringers are required for wet washing floors. Sponge mops shall not be used.
 - (3) When dry, the abated areas(s) shall be HEPA vacuumed again, following the sequence in (c)2.iii(2)(A) and (B) above.
 - iv. Lead screening or clearance testing in accordance with N.J.A.C. 5:17 shall be performed and the results of the screening or testing shall not exceed the levels established in N.J.A.C. 5:17.
 - (d) On-going evaluation and maintenance, as described below, shall be required for all buildings.
 - 1. A visual examination for deteriorated paint shall be performed by the owner at unit turnover or every twelve months, whichever comes first.
 - 2. Deteriorated paint and the causes of deterioration shall be promptly and safely repaired in accordance with the requirements of (i) below.
 - i. Painted surfaces shall be made intact by paint stabilization, enclosure, encapsulation or removal.

ii. The causes of paint deterioration shall be diagnosed and corrected.

iii. Dust wipe testing shall be performed when the work is complete to ensure that the lead dust levels do not exceed the lead hazard levels established by N.J.A.C. 5:17. If the level exceeds the lead hazard level established by N.J.A.C. 5:17, cleaning and retesting shall be performed until the results of testing demonstrate lead levels below the standard.

(e) Exterior Surfaces:

1. The requirements set forth in subsections (a) – (d) above shall apply to stairwells, porches, balconies, entryways, and windows.

2. For all other exterior surfaces, lead-safe work practices, in accordance with (i) below, shall be used for any work to be undertaken, unless the paint has been tested and not found to be lead-based paint.

(f) Recordkeeping:

1. A record of testing performed and any certificate issued by a certified evaluation firm indicating that the building or any portion thereof is lead free shall be maintained for the life of the structure.

2. A record of all testing, visual examinations, findings and corrective action taken, including the date(s) and location(s) of any sampling performed and of corrective actions taken, shall be maintained for not less than five years and shall be made available upon request for review by the enforcing agency having jurisdiction. This shall include a record of:

i. Inspections, risk assessments and lead hazard control work performed pursuant to (b) above;

ii. Standard treatments undertaken pursuant to (c) above;

iii. On-going evaluation and maintenance undertaken pursuant to (d) above;

iv. Any certificates issued to the building owner by a certified lead evaluation firm;

v. Tenant notification required pursuant to (h) below; and

vi. Any reports of deteriorated paint received from tenants and documentation of the owner's responses pursuant to (h) below.

3. A record of the training in safe building maintenance practices of each individual as required by (g) below shall be maintained by the owner as long as that individual is involved in the maintenance of the building and shall be made available upon request for review by the enforcing agency having jurisdiction.

(g) Training requirements are as follows: 1. All owners or employees of the owner performing visual examinations or undertaking corrective action or maintenance work shall complete a one-day training course on safe building maintenance practices and applicable New Jersey law offered by a training provider accredited by the Department of Health and Senior Services. Courses approved for this purpose shall include:

i. The Lead-Based Paint Maintenance Training Program, "Work Smart, Work Wet, and Work Clean to Work Lead Safe," prepared by the National Environmental Training Association for EPA and HUD;

ii. "The Remodeler's and Renovator's Lead-Based Paint Training Program," prepared by HUD and the National Association of the Remodeling Industry;

iii. Lead Safety for Remodeling, Repair and Painting: A Joint EPA-HUD Course; or

iv. Any other course that the Department finds to be substantially equivalent.

2. Owners or employees of the owner shall not perform dust wipe sampling unless they have completed a State-certified course in accordance with this section or a HUD-approved clearance

technician course (e.g., the course developed by EPA, “Lead Sampling Technician (‘HUD Clearance Technician’) Training Course”).

(h) Tenant notification and owner response requirements are as follows:

1. Owners shall distribute a pamphlet developed by the Department prior to commencement of repair work that will disturb more than two square feet of lead-based paint, unless the tenant has received the pamphlet within the last 12 months.
2. Owners shall post a notice advising tenants to report deteriorated paint and shall respond to any reported problem within 30 days. The notice shall include the landlord’s name, address, and telephone number.

i. If an owner has received notice from a tenant that there is a pregnant woman or a child under the age of six years residing in the unit or, with regard to any problem reported in a common area, in the building, the owner shall respond to any report of deteriorated paint within three days.

ii. In buildings where there is no central location for posting notices or where notices are likely to be defaced or removed without authorization, the owner shall provide each tenant with a copy of such a notice.

(i) Lead-safe work practices: All work undertaken to repair or stabilize deteriorated paint and any other work that will disturb painted surfaces shall comply with the following:

1. Occupant protection and worksite preparation shall be performed in accordance with the applicable provisions of U.S. Department of Housing and Urban Development rules 24 CFR 35 included as Appendix 2-B of these rules.

2. The following work practices shall be prohibited:

i. Open flame burning or the use of high temperature (in excess of 1100 degrees F) heat guns;

ii. Power sanding or sandblasting, unless a special HEPA (high efficiency particulate air) filter equipped vacuum attachment is used to contain dust;

iii. Uncontained water blasting or power washing; or

iv. Dry scraping or sanding more than two square feet of painted surface per room (interior) or more than ten square feet per building (exterior).

3. All work shall be undertaken in a manner that prevents the spread of dust;

4. Specialized cleaning shall be performed at the end of each work day if the job will take more than one day and the area is to be occupied before work begins again and at the end of each job.

5. Occupant protection, worksite preparation and specialized cleaning (1. and 4. above) are not required for maintenance activities that disturb painted surfaces that total:

i. 20 square feet or less on the exterior of the building;

ii. Two square feet or less in any one interior room or space; or

iii. Ten percent or less of the total surface area of an interior or exterior component with a small surfaces area, including, but not limited to, window sills, baseboards or trim.

6. After the completion of any work involving the disturbance of painted surfaces of a size that exceeds the limits of 5. above, at least one dust wipe sample shall be taken by maintenance staff trained in accordance with (g) above in each room that is part of the work area at a location where work was performed. If the level exceeds the lead hazard level established by N.J.A.C. 5:17, the room shall be cleaned and retested until the results of testing demonstrate lead levels below the standard.

(j) (Reserved.)

(k) Garages and other structures on the site: Any work on garages and other structures on the site shall be performed in accordance with the lead-safe work practices listed in (i) above. Structures to which tenants have access shall comply with the requirements set forth in (a) – (e) above.

Appendix 2-A, Interim Controls
(New Jersey Requirements Added in Italics)

U.S. Department of Housing and Urban Development
24 CFR 35.1330, Interim controls

35.1330 Interim controls

Interim controls of lead-based paint hazards identified in a risk assessment shall be conducted in accordance with the provisions of this section. Interim control measures include paint stabilization of deteriorated paint, treatments for friction and impact surfaces where levels of lead dust are above the levels specified. *(See N.J.A.C. 5:17-3.5, Lead hazards.)* Interim controls may be performed in combination with, or be replaced by, abatement methods.

(a) General requirements

(1) Only those interim control methods identified as acceptable methods in a current risk assessment report shall be used to control identified hazards.

(2) Occupants of dwelling units where interim controls are being performed shall be protected during the course of the work in accordance with 35.1345. *(See Appendix 2-B, Occupant protection and worksite preparation.)*

(3) Testing shall be performed at the conclusion of interim control activities in accordance with N.J.A.C. 5:17.

(4) A person performing interim controls must be trained in accordance with N.J.A.C. 5:28-2.1(g), Training.

(b) Paint stabilization

(1) Interim control treatments used to stabilize deteriorated lead-based paint shall be performed in accordance with the requirements of this section. Interim control treatments of intact, factory applied prime coatings on metal surfaces are not required. Finish coatings on such surfaces shall be treated by interim controls if those coatings contain lead-based paint.

(2) Any physical defect in the substrate of a painted surface or component that is causing deterioration of the surface or component shall be repaired before treating the surface or component. Examples of defective substrate conditions include dry rot, rust, moisture-related defects, crumbling plaster, and missing siding or other components that are not securely fastened.

(3) Before applying new paint, all loose paint and other loose material shall be removed from the surface to be treated. Acceptable methods for preparing the surface to be treated include wet scraping, wet sanding, and power sanding performed in conjunction with a HEPA filtered local exhaust attachment operated according to the manufacturer's instructions.

(4) Lead-safe work practices shall be performed in accordance with N.J.A.C. 5:28-2.1(i).

(5) Paint stabilization shall include the application of a new protective coating or paint. The surface substrate shall be dry and protected from future moisture damage before applying a new protective coating or paint. All protective coatings and paints shall be applied in accordance with the manufacturer's recommendations.

(c) Friction and impact surfaces

(1) Friction surfaces are required to be treated only if:

(i) Lead dust levels on the nearest horizontal surface underneath the friction surface (e.g., the window sill, window trough, or floor) are equal to or greater than the standards specified. (*See N.J.A.C. 5:17-3.5, Lead hazards.*)

(ii) There is evidence that the paint surface is subject to abrasion; and

(iii) Lead-based paint is known or presumed to be present on the friction surface.

(2) Impact surfaces are required to be treated only if:

(i) Paint on an impact surface is damaged or otherwise deteriorated;

(ii) The damaged paint is caused by impact from a related building component (such as a door knob that knocks into a wall, or a door that knocks against its door frame); and

(iii) Lead-based paint is known or presumed to be present on the impact surface.

(3) Examples of building components that may contain friction or impact surfaces include the following:

(i) Window systems;

(ii) Doors;

(iii) Stair treads and risers;

(iv) Baseboards;

(v) Drawers and cabinets; and

(vi) Porches, decks, interior floors, and any other painted surfaces that are abraded, rubbed, or impacted.

(4) Interim control treatments for friction surfaces shall eliminate friction points or treat the friction surface so that paint is not subject to abrasion. Examples of acceptable treatments include rehanging and/or planing doors so that the door does not rub against the door frame, and installing window channel guides that reduce or eliminate abrasion of painted surfaces. Paint on stair treads and floors shall be protected with a durable cover or coating that will prevent abrasion of the painted surfaces. Examples of acceptable materials include carpeting, tile, and sheet flooring.

(5) Interim control treatments for impact surfaces shall protect the paint from impact. Examples of acceptable treatments include treatments that eliminate impact with the paint surface, such as a door stop to prevent a door from striking a wall or baseboard.

(6) Interim control for impact or friction surfaces does not include covering such a surface with a coating or other treatment, such as painting over the surface, that does not protect lead-based paint from impact or abrasion.

(d) Chewable surfaces

(1) Chewable surfaces are required to be treated only if there is evidence that a child of less than 6 years of age has chewed on the painted surface, and lead-based paint is known or presumed to be present on the surface.

(2) Interim control treatments for chewable surfaces shall make the lead-based paint inaccessible for chewing by children of less than 6 years of age. Examples include enclosures or coatings that cannot be penetrated by the teeth of such children.

(e) Dust-lead hazard control

(1) Interim control treatments used to control dust-lead hazards shall be performed in accordance with the requirements of this section. Additional information on dust removal is found in the Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing, particularly Chapter 11.

(2) Dust control shall involve a thorough cleaning of all horizontal surfaces, such as interior window sills, window troughs, floors, and stairs, but excluding ceilings. All horizontal surfaces, such as floors, stairs, window sills and window troughs, that are rough, pitted, or porous shall be covered with a smooth, cleanable covering or coating, such as metal coil stock, plastic, polyurethane, or linoleum.

(3) *If a carpet is to remain, wipe samples shall be collected from the carpeted surfaces. For test results that indicate lead levels above the clearance levels specified in N.J.A.C. 5:17, the carpet shall be removed.*

(f) *Bare soil shall be treated in accordance with N.J.A.C. 5:28-2.1(j).*

Appendix 2-B, Occupant Protection and Worksite Preparation
(New Jersey Requirements Added in Italics)

U.S. Department of Housing and Urban Development
24 CFR 35.1345, Occupant protection and worksite preparation.

24 CFR 35.1345 Occupant protection and worksite preparation

This section establishes procedures for protecting dwelling unit occupants and the environment from contamination from lead-contaminated or lead-containing materials during hazard reduction activities.

(a) Occupant protection

(1) Occupants shall not be permitted to enter the worksite during hazard reduction activities until after hazard reduction work has been completed and clearance, if required, has been achieved.

(2) Occupants shall be temporarily relocated before and during hazard reduction activities to a suitable, decent, safe, and similarly accessible dwelling unit that does not have lead-based paint hazards, except if:

(i) Treatment will not disturb lead-based paint, dust-lead hazards or soil-lead hazards:

(ii) Only the exterior of the dwelling unit is treated, and windows, doors, ventilation intakes and other openings in or near the worksite are sealed during hazard control work and cleaned afterward, and entry free of dust-lead hazards, soil-lead hazards, and debris is provided;

(iii) Treatment of the interior will be completed within one period of 8-daytime hours, the worksite is contained so as to prevent the release of leaded dust and debris into other areas, and treatment does not create other safety, health or environmental hazards (e.g., exposed live electrical wiring, release of toxic fumes, or on-site disposal of hazardous waste); or

(iv) Treatment of the interior entails work such that, at the conclusion of each workday, the worksite can be contained and cleaned to removed any visible dust or debris, and safe access to the bathroom and sleeping areas can be provided.

(3) The dwelling unit and the worksite shall be secured against unauthorized entry, and occupants' belongings protected from contamination by dust-lead hazards and debris during hazard reduction activities. Occupants' belongings in the containment area shall be relocated to a safe and secure area outside the containment area, or covered with an impermeable covering with all seams and edges taped or otherwise sealed.

(b) Worksite preparation

(1) The worksite shall be prepared to prevent the release of leaded dust, and contain lead-based paint chips and other debris from hazard reduction activities within the worksite until they can be safely removed. Practices that minimize the spread of leaded dust, paint chips, soil and debris shall be used during worksite preparation.

(2) A warning sign shall be posted at each entry to a room where hazard reduction activities are conducted when occupants are present; or at each main and secondary entryway to a building from which occupants have been relocated; or, for an exterior hazard reduction activity, where it

is easily read 20 feet (6 meters) from the edge of the hazard reduction activity worksite. Each warning sign shall be provided in the occupants' primary language, to the extent practicable.